

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CORDIS CORPORATION,

Plaintiff,

V.

MEDTRONIC VASCULAR, INC.  
BOSTON SCIENTIFIC CORPORATION,  
and SCIMED LIFE SYSTEMS, INC.,

Defendants.

C.A. No. 97-550-SLR  
(CONSOLIDATED)

**BOSTON SCIENTIFIC CORPORATION,  
and SCIMED LIFE SYSTEMS, INC.**

Plaintiffs,

V.

C.A. No. 98-19-SLR

ETHICON, INC.,  
CORDIS CORPORATION, and  
JOHNSON & JOHNSON  
INTERVENTIONAL SYSTEMS CO.

Defendants.

**BOSTON SCIENTIFIC'S CROSS-MOTION  
TO DEFER PROCEEDINGS AND FOR A NEW TRIAL**

Defendants Boston Scientific Corporation and Boston Scientific Scimed, Inc. (formerly Scimed Life Systems, Inc.) (collectively “BSC”) hereby respectfully cross-move: (1) to defer proceedings in this case against BSC’s NIR stent until after the mandate of the Federal Circuit issues in the pending appeal in Cordis’ companion case against BSC’s Express stent (C.A. 03-027-SLR); (2) for a new invalidity trial for claims

23 and 44 of the '762 patent; and (3) if necessary, for a new damages trial and further damages proceedings for claims 23 and/or 44.

The grounds for the motion are set forth in BSC's opening brief submitted herewith.

For the Court's convenience, a proposed order is attached hereto.

**YOUNG CONAWAY STARGATT & TAYLOR LLP**

*/s/ Karen L. Pascale*

June 10, 2008

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Josy W. Ingersoll (#1088)  
Karen L. Pascale (#2903) [kpascale@ycst.com]  
Karen E. Keller (#4489)  
The Brandywine Building  
1000 West St., 17th Floor  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
Telephone: 302-571-6600  
*Attorneys for Defendants,  
Boston Scientific Corporation and  
Boston Scientific Scimed, Inc.  
(formerly Scimed Life Systems, Inc.)*

OF COUNSEL:

George E. Badenoch  
Mark A. Chapman  
Huiya Wu  
**KENYON & KENYON LLP**  
One Broadway  
New York, NY 10004  
(212) 425-7200